

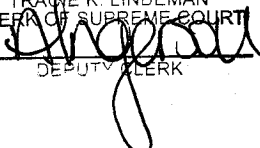
IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW JAMES KING,
Appellant,
vs.
DWIGHT NEVEN, WARDEN; FRANCIS
KIM; AND WICKHAM,
Respondents.

No. 61588

FILED

OCT 17 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

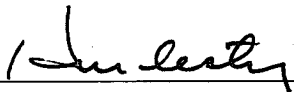
ORDER OF AFFIRMANCE


This is a proper person appeal from a district court order dismissing a civil rights action. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

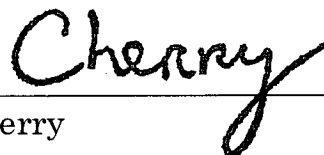
Having considered the civil proper person appeal statement and the record on appeal, we conclude that the district court did not err in dismissing the underlying action, as the record demonstrates that appellant failed to state a claim for denial of access to the courts because he did not suffer any actual damage stemming from respondents' alleged actions. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (providing that this court rigorously reviews orders dismissing an action, and as such, accepts all factual allegations in the complaint as true and draws all inferences in favor of appellant); *Lewis v. Casey*, 518 U.S. 343, 349 (1996) (explaining that in order to state a claim for denial of access to the courts, one must be able to demonstrate some actual injury from the denial of access to the courts). While appellant claims that respondents prevented him from responding to a motion to dismiss his petition for a writ of habeas corpus by denying him access to his legal materials, the record indicates that this habeas corpus

petition would have been dismissed regardless of his response as it was time-barred pursuant to NRS 34.726, which requires such a habeas corpus petition to be filed within one year of the entry of the judgment of conviction. *See Lewis*, 518 U.S. at 356 (providing that in order to establish a claim for lack of access to the courts, one must demonstrate that he or she was prevented from pursuing a nonfrivolous claim); *see also Alvarez v. Hill*, 518 F.3d 1152, 1155 n.1 (9th Cir. 2008). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Jerry A. Wiese, District Judge
Matthew James King
Attorney General/Carson City
Eighth District Court Clerk

¹Having considered appellant's other arguments, we conclude that they lack merit.